



JOINT BUDGET COMMITTEE STAFF FY 2019-20 BUDGET BRIEFING SUMMARY

Colorado General Assembly
Joint Budget Committee

Department of Law

The Attorney General is one of five independently elected constitutional officers of the State. As the chief executive officer of the Department of Law, the Attorney General represents and defends the legal interests of the people of the State of Colorado and serves as the legal counsel and advisor to state agencies. The Department's FY 2018-19 appropriation represents approximately 0.3 percent of statewide operating appropriations and 0.1 percent of statewide General Fund appropriations.

FY 2018-19 APPROPRIATION AND FY 2019-20 REQUEST

DEPARTMENT OF LAW						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2018-19 APPROPRIATION:						
HB 18-1322 (Long Bill)	83,067,088	16,611,039	17,882,160	46,571,567	2,002,322	474.4
Other legislation	397,326	0	164,920	232,406	0	2.8
TOTAL	\$83,464,414	\$16,611,039	\$18,047,080	\$46,803,973	\$2,002,322	477.2
FY 2019-20 REQUESTED APPROPRIATION:						
FY 2018-19 Appropriation	\$83,464,414	16,611,039	\$18,047,080	\$46,803,973	\$2,002,322	477.2
R1 IT asset maintenance	485,493	139,765	68,752	264,160	12,816	0.0
R2 Appellate backlog	87,533	87,533	0	0	0	0.9
R3 FTE transfer from Consumer Protection to Administration	0	0	(142,449)	142,449	0	0.0
Centrally appropriated line items	3,742,723	898,231	342,162	2,458,796	43,534	0.0
Annualize prior year budget actions	544,670	256,001	(452,145)	731,902	8,912	0.0
Indirect cost assessment	356,990	(18,460)	240,784	124,737	9,929	0.0
Annualize prior year legislation	237,470	25,060	25,117	184,057	3,236	0.8
Non-prioritized request items	207,682	59,378	32,434	110,672	5,198	0.0
Technical adjustments	(294,898)	(178,254)	(288,904)	172,659	(399)	5.0
TOTAL	\$88,832,077	\$17,880,293	\$17,872,831	\$50,993,405	\$2,085,548	483.9
INCREASE/(DECREASE)	\$5,367,663	\$1,269,254	(\$174,249)	\$4,189,432	\$83,226	6.7
Percentage Change	6.4%	7.6%	(1.0%)	9.0%	4.2%	1.4%

R1 IT ASSET MAINTENANCE: The request includes a one-time increase of \$485,493 total funds in FY 2019-20, including \$139,765 General Fund, to address continuity of operations infrastructure and replace network equipment that is at end of life and no longer supported by vendors. The request also includes an ongoing increase of \$290,678, including \$83,683 General Fund, beginning in FY 2020-21 to address the annual replacement of the Department's IT infrastructure and expand storage to meet data growth trends.

R2 APPELLATE BACKLOG: The request includes an increase of \$87,533 General Fund and 0.9 FTE in FY 2019-20 to reduce and control the growing criminal appeal backlog. This item is discussed in the second briefing issue.

R3 FTE TRANSFER FROM CONSUMER PROTECTION TO ADMINISTRATION: The Department proposes to refinance 2.0 FTE and \$142,449 cash funds from the Consumer Protection Custodial Fund to reappropriated funds from indirect cost recoveries. In FY 2017-18, the Department received funding to support 1.0 FTE for social media and public information activities, as well as 1.0 FTE to oversee the administration of grants made from custodial funds. While these FTE spend significant time on Consumer Protection efforts, their work supports the entire office and the Department believes the FTE are a better fit in the Administration division.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes an increase of \$3,742,723 total funds (including \$898,231 General Fund) related to employee benefits and other centrally appropriated items. The following table summarizes the requested changes.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
PERA Direct Distribution	\$1,173,886	\$339,646	\$146,797	\$687,443	\$0	0.0
Merit pay adjustment	1,123,958	312,488	141,039	636,400	34,031	0.0
Health, life, and dental adjustment	477,760	81,329	(37,798)	435,617	(1,388)	0.0
Salary survey adjustment	456,721	99,787	1,915	349,397	5,622	0.0
AED adjustment	183,870	14,282	37,290	130,281	2,017	0.0
SAED adjustment	183,870	14,282	37,290	130,281	2,017	0.0
Payments to OIT adjustment	60,995	16,771	7,018	35,897	1,309	0.0
Carr Center leased space adjustment	59,058	11,849	5,927	41,490	(208)	0.0
Payment to risk management / property funds adjustment	29,345	8,054	4,021	16,601	669	0.0
Workers' compensation adjustment	21,413	5,921	2,554	12,461	477	0.0
Legal services adjustment	9,471	4,609	4,862	0	0	0.0
CORE adjustment	(30,940)	(8,892)	(4,609)	(16,579)	(860)	0.0
ALJ adjustment	(4,429)	0	(4,429)	0	0	0.0
Short-term disability adjustment	(2,255)	(1,895)	285	(493)	(152)	0.0
TOTAL	\$3,742,723	\$898,231	\$342,162	\$2,458,796	\$43,534	0.0

The Department's request includes the statewide merit pay increase, as well as an additional salary survey increase for attorneys, as outlined in the table below. The request is based on findings from the 2018 market survey conducted by the Department.

ATTORNEY SALARY SURVEY AND MERIT PAY REQUEST			
ATTORNEY CLASS	RECOMMENDED TOTAL PAY ADJUSTMENT	SUGGESTED SALARY SURVEY	SUGGESTED MERIT
Deputies	8.6%	6.5%	2.0%
Firsts	7.9%	5.8%	2.0%
Seniors	3.2%	1.2%	2.0%
Asst. Attorneys General	8.0%	5.9%	2.0%

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes adjustments related to prior year budget actions, primarily decision items. The following table itemizes the requested annualizations for FY 2018-19.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Prior year salary survey	\$1,054,076	\$257,177	\$52,558	\$731,902	\$12,439	0.0
FY 17-18 R6 Two year peace officer training	(500,000)	0	(500,000)	0	0	0.0
FY 18-19 R1 Medicaid fraud investigator	(4,703)	(1,176)	0	0	(3,527)	0.0
FY 18-19 R2 POST compliance inspector	(4,703)	0	(4,703)	0	0	0.0
TOTAL	\$544,670	\$256,001	(\$452,145)	\$731,902	\$8,912	0.0

INDIRECT COST ASSESSMENT ADJUSTMENTS: The request includes a net increase in the Department's indirect cost assessments.

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes adjustments to reflect the FY 2019-20 impact of legislation passed in prior years, including the adjustments shown in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 18-200 (PERA)	\$129,198	\$25,060	\$15,449	\$85,453	\$3,236	0.0
HB 18-1017 (Psychology Interjurisdictional Compact)	90,576	0	0	90,576	0	0.5
SB 15-288 (Compensation Paid to Certain Public Officials)	20,281	0	0	20,281	0	0.0
HB 18-1434 (Safe2Tell)	9,668	0	9,668	0	0	0.4
SB 18-027 (Enhanced Nurse Licensure Compact)	8,525	0	0	8,525	0	0.0
SB 18-271 (Funding for Marijuana Research)	(10,656)	0	0	(10,656)	0	(0.1)
SB 18-243 (Retail Sales Alcohol Beverages)	(4,262)	0	0	(4,262)	0	0.0
SB 18-145 (Implement Employment First Recommendations)	(2,131)	0	0	(2,131)	0	0.0
SB 18-167 (Enforcement Requirements 811 Locate Underground)	(2,131)	0	0	(2,131)	0	0.0
HB 18-1353 (Defense Counsel in Municipal Courts)	(1,598)	0	0	(1,598)	0	0.0
TOTAL	\$237,470	\$25,060	\$25,117	\$184,057	\$3,236	0.8

NON-PRIORITIZED REQUEST ITEMS: The request includes two decision items originating in other departments. The following table summarizes the non-prioritized requests, which will be addressed in separate staff briefings.

NON-PRIORITIZED REQUEST ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OIT R2 and R5	\$192,204	\$55,052	\$27,474	\$104,480	\$5,198	0.0
DPA Annual fleet vehicle request	15,478	4,326	4,960	6,192	0	0.0
TOTAL	\$207,682	\$59,378	\$32,434	\$110,672	\$5,198	0.0

TECHNICAL CHANGES: The request includes five technical changes, as detailed in the table below.

TECHNICAL ADJUSTMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Attorney registration and CLE adjustment	\$3,563	\$475	\$0	\$3,088	\$0	0.0
Additional grant from CDPS	1,539	0	0	1,539	0	0.0
Fund source adjustment	0	(178,729)	11,096	168,032	(399)	0.0
Additional FTE fellows	0	0	0	0	0	5.0
Tobacco litigation reduction	(300,000)	0	(300,000)	0	0	0.0
TOTAL	(\$294,898)	(\$178,254)	(\$288,904)	\$172,659	(\$399)	5.0

SUMMARY OF ISSUES PRESENTED TO THE JOINT BUDGET COMMITTEE

MAJOR LITIGATION PENDING AGAINST THE STATE: The Department of Law submits an annual report to the State Controller discussing pending litigation against the State that could have a significant financial impact. The 2018 report includes cases involving the Department of Corrections related to hepatitis C medications for inmates and deliberate indifference to medical need; the Department of Health Care Policy and Financing related to hepatitis C drugs for Medicaid beneficiaries, operations at the Pueblo Regional Center, and the hospital provider fee; the Department of Human Services related to an assault at a youth correctional facility; the Department of Natural Resources related to water litigation; the Department of Public Health and Environment related to the Heartland Biogas Facility and the death of a child while in the care of a licensed child care provider; the Department of Revenue related to tax collections; and the Department of State related to the financing of elections.

DEPARTMENT OF LAW OPIOID RESPONSE: The Department's request includes \$87,533 General Fund and 0.9 FTE in FY 2019-20 to reduce the growing criminal appeal backlog, which was 466 cases in FY 2017-18, and is expected to grow to 494 in FY 2018-19.

FOR MORE INFORMATION

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TO READ THE ENTIRE BRIEFING: http://leg.colorado.gov/sites/default/files/fy2019-20_lawbrf.pdf